

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO

IN RE:) CHAPTER 13
ROBERTA A HOWARD)
) CASE NO. 11-40397
)
) KAY WOODS
Debtor(s)) U.S. Bankruptcy Judge

**TRUSTEE'S MOTION TO DISMISS FOR DELINQUENCY & FAILURE TO PROVIDE
REQUIRED TAX REFUND INFORMATION**

NOW COMES Michael A. Gallo, Standing Chapter 13 Trustee, and respectfully moves this court pursuant to 11 U.S.C. § 1307 (c)(6) for dismissal of the above captioned debtor('s') case and for cause states:

1. The debtor(s) are in default under the terms of the plan, for the reason that the payments required by the plan have not been made and that a showing has not been made of any just cause for default.
2. Pursuant to paragraph 1(B) of debtor('s') plan, debtor(s) are required to provide information with respect to debtor('s') 2013 tax refunds and to contribute such funds to the extent they exceed certain allowed deductions ('Excess Tax Refund'), the contribution of which Excess Tax Refund is an additional plan payment required of debtor(s).
3. Despite numerous requests, debtor(s) have failed and refused to provide any information to the Trustee with respect to their federal, state and /or local income tax refunds, the failure of which is a material default under the terms of debtor('s') plan warranting dismissal of debtor('s') case.

WHEREFORE, the Standing Trustee respectfully requests that debtor('s') Chapter 13 case be dismissed as a result of debtor('s') failure to comply with the terms of the plan together with such other and further relief as to this court deems proper.

/S/ MICHAEL A. GALLO, TRUSTEE
MICHAEL A. GALLO, TRUSTEE
5048 Belmont Avenue
Youngstown, OH 44505
(330) 743-1246
Fax: (330) 746-8616

NOTICE OF HEARING

PLEASE TAKE NOTICE that a hearing on the Trustee's Motion to Dismiss for Failure to Provide Required Tax Refund Information as filed will be held at the United States Bankruptcy Court, Federal Building, U.S. Courthouse Building, 3rd Floor, 10 Commerce Street, Youngstown, Ohio on the 10th day of September, 2014 at 1:30 o'clock p.m.

Failure to answer or appear will result in the granting of the relief against you as prayed for in Trustee's Motion to Dismiss.

/s/ MICHAEL A. GALLO, TRUSTEE
MICHAEL A. GALLO, TRUSTEE

CERTIFICATE OF SERVICE

I certify that on August 7, 2014, a true and correct of the within Trustee's Motion to Dismiss and Notice of Hearing was served:

Via the court's Electronic Case Filing System on these entities and individuals who are listed on the court's Electronic Mail Notice List:

BRUCE R. EPSTEIN, Attorney for Debtor: epsteinlaw@sbcglobal.net
OFFICE OF THE UNITED STATES TRUSTEE at (Registered address)@usdoj.gov.

And by regular U.S. mail, postage prepaid, on:

ROBERTA A HOWARD
7399 SOUTH RACCOON ROAD
CANFIELD, OH 44406-8102

/s/ MICHAEL A. GALLO, TRUSTEE
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